

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matters of	)	
	)	
Petition for Declaratory Ruling and/or	)	CG Docket No. 02-386
Rulemaking filed by	)	
Americatel Corporation	)	
	)	
Joint Petition for Rulemaking to	)	
Implement Mandatory Minimum Customer	)	
Account Record Exchange Obligations	)	
On All Local and Interexchange Carriers	)	
Filed by AT&T Corp., Sprint Corporation,	)	
And Worldcom Inc.	)	

**REPLY COMMENTS OF COX COMMUNICATIONS, INC.**

Cox Communications, Inc. ("Cox"), in accordance with the Commission's December 20, 2002, Public Notice, submits these reply comments in the above-referenced proceeding.<sup>1</sup>

**I. INTRODUCTION**

While Cox believes that its initial comments demonstrated that the Commission should not grant either the *Americatel Petition* or the *Joint Petition*, it files these reply comments to address certain issues raised in the other parties' comments. In particular, these reply comments respond to claims by Verizon that any rules adopted in this proceeding should apply only to CLECs; to arguments concerning provision of data related to casual calling; to demands that CLECs be required to pass along information concerning disconnects; and to Intrado's proposal for a nationwide database

<sup>1</sup> Public Notice, "Pleading Cycle Established for Comments on Petition for Declaratory Ruling and/or Rulemaking Filed by Americatel Corporation and Joint Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers Filed by AT&T Corp., Sprint Corporation, and Worldcom Inc.," CG Docket No. 02-386, DA 02-3550, rel. Dec. 20, 2002. For the purposes of these reply comments, the petition filed by Americatel will be referred to as the "*Americatel Petition*" and the petition filed by AT&T, Sprint and WorldCom will be referred to as the "*Joint Petition*."

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## II. DISCUSSION

### A. Applicability of CARE Requirements to ILECs.

Verizon argues that any requirements adopted in this proceeding should apply only to competitive local exchange carriers (“CLECs”) because, according to Verizon, incumbent local exchange carriers (“ILECs”) are not responsible for any of the difficulties experienced by interexchange carriers (“IXCs”).<sup>2</sup> While Cox, for the reasons described in its comments, submits that no additional rules are necessary, there is no basis for limiting the applicability of CARE-related rules to CLECs. To the extent that new standards are appropriate, they plainly should apply to all interactions between LECs and IXCs. Indeed, if the standards are truly minimum standards for LEC-IXC interaction, they necessarily should apply to all LECs. Further, to the extent that Verizon and other ILECs are interacting effectively with IXCs, there is no reason to think that standards imposed on all LECs would create any meaningful burden on the ILECs.<sup>3</sup>

### B. Casual Calling Issues

Several parties argue that changes are necessary to accommodate casual calling by CLEC customers.<sup>4</sup> This is incorrect. Initially, in Cox’s experience most of the “casual calling” by its customers results from IXC failures to execute carrier changes properly, not from any action or inaction on Cox’s part. Often, when Cox notifies IXCs of a customer’s carrier change, the IXCs fail to act on the change in a timely fashion.<sup>5</sup> The result is that the customer is charged inappropriately for making casual calls on the new IXC’s network. Cox plainly is not at fault in these circumstances.

<sup>2</sup> Verizon Comments at 1-2. Certain rural ILECs also argue that any rules should not apply to them. *See, e.g.*, Small Incumbent LECs Comments at 3-4.

<sup>3</sup> To the extent that Verizon and other ILECs are concerned that they might have to modify their current procedures to fit within new requirements, those same considerations apply to CLECs, and the relative burdens of such changes would be much greater for CLECs than ILECs.

<sup>4</sup> Comments of AmeriCatel at 2-3; Comments of Intrado at 3-4.

<sup>5</sup> Cox Comments at 7-8.

Further, there already is a mechanism for IXC's to obtain the information necessary to bill for dialaround and other casual calls, through the purchase of billing name and address information from LECs.<sup>6</sup> The Commission specifically permits that information to be made available via tariff or contract and has acknowledged that LECs should be compensated for providing it.<sup>7</sup>

### C. Disconnect Records

BellSouth and Intrado suggest that LECs should be required to provide disconnect records to IXC's.<sup>8</sup> Intrado, in particular, suggests that the failure of IXC's to obtain this information primarily is an artifact of the Telecommunications Act of 1996 and the local competition provisions of that statute." There is no basis for this claim. Notably, Cox provides disconnect records to IXC's, based on Cox's determination of its own business interests, but it is Cox's understanding that most ILECs do not provide this information, and did not do so even before the 1996 Act was enacted.

Moreover, requiring LECs to provide disconnect records to IXC's mostly would benefit IXC marketing efforts, not IXC customers. It is not, after all, a LEC's job to tell an IXC how to find a customer or former customer, and if a customer disconnects without telling the IXC, it may well reflect the customer's opinion of that IXC.<sup>10</sup>

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<sup>6</sup> See 47 C.F.R. § 64.1201.

<sup>7</sup> See Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Credit Cards, *Third Report on Reconsideration*, 11 FCC Rcd 6835 (1996).

<sup>8</sup> BellSouth Comments at 3; Intrado Comments at 6.

<sup>9</sup> Intrado Comments at 4.

<sup>10</sup> Cox also notes that informing an IXC that a customer has disconnected will not help the IXC determine what carrier is now serving that customer. As Cox noted in its comments, there are many circumstances in which a LEC does not know what has happened to a disconnecting customer. Cox Comments at 3-4.

**D. National Database Proposal**

Intrado supports the development of a national database containing CAKE-related data, including BNA, new connects and new disconnects.<sup>11</sup> As a potential vendor, Intrado has a strong interest in creating this repository of information, but Intrado's comments do not provide sufficient justification for the creation of yet another national database. Indeed, there are important flaws in the proposal.

First, and perhaps most important, a database will not address the inability of IXC's to provide their customer data in a timely way. As described in Cox's comments, most of the problems Cox's customers experience result from IXC failures to provide information or to act upon the information they are provided by LECs.<sup>12</sup> Even the most comprehensive national database would be useless to solve carrier changes problems if the IXC's did not meet their obligations to their own customers.

Second, Intrado provides no suggestion for how the costs relating to the database would be funded. This is a crucial issue. Since the purpose of the database would be to benefit IXC's, all costs related to it logically would have to be borne by them. These costs, in addition to the direct costs of maintaining the database, would include any costs incurred by LECs to provide the underlying data. Indeed, because the Commission already has held that LECs are entitled to be paid for providing BNA to IXC's, LECs should receive a share of any revenue related to use of BNA in any future national database.

Third, before any database could be put into place, significant privacy issues would have to be addressed. For instance, the Commission's rules make it clear that BNA can be used only for billing and collection purposes, and any database would have to incorporate safeguards to

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<sup>11</sup> Intrado Comments at 4-7.

<sup>12</sup> Con Comments at 7-8, 9.

prevent misuse of that information. Some of the information in the database also would constitute CPNI, and therefore would be subject to the requirements of Section 222 of the Communications Act and to the Commission's CPNI rules. Similarly, as described in Cox's comments, information on connections and disconnections is competitively sensitive, so it would be equally important to ensure that IXCs did not share such information with their CLEC operations.<sup>12</sup>

These privacy and competitive issues would be particularly significant because any database likely would be operated by a non-carrier third party that would not be under the Commission's direct control. Thus, it would be critical to develop appropriate safeguards before any database would be put in place. Intrado does not address this issue at **all**.

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<sup>12</sup> See *id.* at 4

**111. CONCLUSION**

For all of these reasons, and for the reasons described in **Cox's** comments, Cox respectfully submits that the Commission should deny both the *Americatel Petition* and the *Joint Petition* and terminate this proceeding

Respectfully submitted,

COX COMMUNICATIONS, INC



Carrington F. Phillip

Vice President, Regulatory Affairs

Donald L. Crosby

Senior Counsel

1400 Lake Hearn Drive, N.E.

Atlanta, **GA** 30319

(404) 843-5791

Of Counsel:

J.G. Harrington

Dow, Lohnes & Albertson, P.L.L.C.

1200 New Hampshire Avenue, N.W., Suite 800

Washington, D.C. 20036

(202) 776-2818

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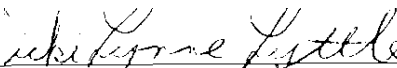
**CERTIFICATE OF SERVICE**

I, Vicki Lynne Lyttle, a legal secretary at Dow, Lohnes & Albertson, PLLC do hereby certify that on this 4th day of February, 2003, copies of the foregoing Reply Comments of Cox Communications, Inc. were served by hand delivery on the following:

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 - 12th Street, S.W.  
Washington, DC 20554

Kelli Fanner  
Policy Division, Consumer &  
Governmental Affairs Bureau  
Federal Communications Commission  
445 - 12th Street, S.W.  
Washington, DC 20554

Qualex International  
Portals II  
445 12th Street, SW, CY-B402  
Washington, DC 20554

  
Vicki Lynne Lyttle